

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1028 of 2007()

CRMP.65/2007 of SESSIONS COURT, MANJERI

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: PETITIONERS/ACCUSED 1 TO 5

1. JINAS @ JINAS MON, AGED 26 YEARS,
S/O. ALAVIKUTTY (LATE), PANGINIKKADEN HOUSE,
KADANNAMANNA P.O., MALAPPURAM.
2. NIYAS, AGED 23 YEARS, S/O. MOIDEENKUTTY
@ KUNHAPPA, PANGINIKKADAN HOUSE,
KADANNAMANNA P.O., MALAPPURAM.
3. LIYAS @ BIJU, AGED 20 YEARS,
S/O. MOIDEENKUTTY @ KUNHAPPA,
PANGINIKKADAN HOUSE, KADANNAMANNA P.O.,
MALAPPURAM.
4. NASEER P.P., AGED 24 YEARS, S/O.MOHAMMED
PARACHOLA, PALAMPADIYIL HOUSE, VELLILA P.O.,
MANKADA, MALAPPURAM.
5. NIJIL C.P., AGED 25 YEARS, S/O. ALIYAR,
CHERUPARAMBATH HOUSE, VELLILA P.O.,
MALAPPURAM.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, PERINTHALMANNA,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO.1028 OF 2007

DATED THIS THE 26th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused Nos.1 to 5 in Crime No.75/07 of Perinthalmanna Police Station for offences punishable under sections 143, 147, 148, 341, 323, 354 and 308 read with section 149 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 4.15 PM on 19.1.2007 petitioners had attacked the de facto complainant, his parents, sister and brother-in-law who were travelling in a Marhti car after chasing them in motor bikes and had also attempted to outrage the modesty of the mother of the de facto complainant. The de facto complainant has sustained head injuries in the incident.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for regular bail considered by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 05.03.2007 and 07.03.2007 for the purpose of interrogation and recovery of

incriminating materials, if any. The petitioners shall thereafter be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall consider and dispose of the application, if any, filed by the petitioners for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn